

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GARY K.,

No. 1:17-cv-00452-JR

Plaintiff,

ORDER

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [21] on June 29, 2018, in which he recommends that the Court reverse and remand for an award of benefits the Commissioner's decision denying Plaintiff's application for Disability Insurance Benefits ("DIB"). The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

### CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings and Recommendation [21]. The decision of the Commissioner denying Plaintiff's application for DIB is REVERSED and REMANDED for an award of benefits pursuant to Sentence Four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

DATED this 27 day of Sept, 2018

  
MARCO A. HERNÁNDEZ  
United States District Judge